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October 13, 2021

**VIA CM/ECF**

Hon. Jesse M. Furman  
Thurgood Marshall United States Courthouse  
40 Foley Square  
Courtroom 1105  
New York, NY 10007

**RE: IBM Arbitration Agreement Litigation, C.A. No. 21-CV-6296 (JMF)**

Dear Judge Furman:

As a brief supplement to the letter we submitted yesterday (Dkt. 33), I wanted to raise one further issue if the summary judgment documents Plaintiffs filed remain completely under seal during the pendency of our motion. As Your Honor will recall, you invited the EEOC to submit an *amicus* brief in this matter, and the EEOC indicated that it may do so. It is not clear how the EEOC could comment on the parties' arguments if it is not able to see them. Other parties as well could request to comment.

Plaintiffs therefore reiterate our request that the redacted versions of the brief (and non-confidential exhibits) be filed publicly now on the docket and that IBM be required to follow the usual procedure set forth in your individual rules to explain why the allegedly confidential materials should then remain under seal.

Sincerely,

/s/ Shannon Liss-Riordan  
Shannon Liss-Riordan

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*Attorney for Plaintiffs William Chastka, et al.*  
**CERTIFICATE OF SERVICE**

I hereby certify that on October 13, 2021, a true and accurate copy of the foregoing document was filed via this Court's CM/ECF system.

/s/ Shannon Liss-Riordan  
Shannon Liss-Riordan